

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
SHIH WEI SU,

Plaintiff,

-against-

THE CITY OF NEW YORK,

Defendant.
----- X

**STIPULATION AND ORDER
OF SETTLEMENT AND
DISMISSAL**

06 Civ. 687 (RJD)(CLP)

WHEREAS, plaintiff commenced this action by filing a complaint on or about February 16, 2006, alleging that defendant violated plaintiff's federal civil rights; and

WHEREAS, defendant has denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed against defendant, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. Defendant City of New York hereby agrees to pay plaintiff Shi Wei Su Three Million Five Hundred Thousand (\$3,500,000.00) Dollars in full satisfaction of all of his claims, including claims for costs, expenses and attorneys' fees. In consideration for the payment of this sum, plaintiff agrees to dismissal of all the claims against defendant and to release the defendant and any present or former employees and agents of the City of New York, or any agency thereof, from any

and all liability, claims, or rights of action which were or could have been alleged in this action, including claims for costs, expenses and attorney fees.

3. Plaintiff shall execute and deliver to defendant City of New York's attorney all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraph 2 above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by the defendant that it has in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.


5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York, or any agency thereof.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant

proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.


Dated: New York, New York
October 7, 2008

JOEL RUDIN, ESQ.
Attorney for Plaintiff
200 West 57th Street, Suite 900
New York, New York 10019

By: 

Joel Rudin, Esq.
Attorney for Plaintiff

MICHAEL A. CARDOZO
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City of New York
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(212) 788-0786

By: 

Michael K. Gertzer, Esq.
Assistant Corporation Counsel

SO ORDERED: _____

s/RJD

U.S.D.J. 10/15/08